

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

David D. Ednie
Loretta L. Ednie
Debtor(s)

Bankruptcy Case No.: 16-23728-JAD
Issued Per May 4, 2017 Proceeding
Chapter: 13
Docket No.: 42 - 14, 38
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 28, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,280 as of May 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Ally Financial at Claim No. 2; Pacific Union Financial at Claim No. 7; Atlas Acquisitions LLC at Claim No. 8 at zero percent pro rata .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: May 9, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 David D. Ednie
 Loretta L. Ednie
 Debtors

Case No. 16-23728-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 35

Date Rcvd: May 09, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 11, 2017.

db/jdb
 14313829 +David D. Ednie, Loretta L. Ednie, PO Box 78, Merrittstown, PA 15463-0078
 14313832 +Atlantic Broadband, 2200 Beale Avenue, Altoona, PA 16601-1927
 14313833 +Berkheimer, 41 Macek Drive, Pittsburgh, PA 15227-3662
 14313831 +Berkheimer, 50 North Seventh Street, Bangor, PA 18013-1798
 14300534 +Colonial Acceptance Co, 312 Fallowfield Ave, Charleroi, PA 15022-1405
 14300535 +Comenity Bank/bon Ton, 3100 Easton Square Pl, Columbus, OH 43219-6232
 14300537 +Credit Protection Asso, 13355 Noel Rd Ste 2100, Dallas, TX 75240-6837
 14361403 +H&R Block Bank, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 14313839 Mon valley Hospital, Inc., 1163 Country Club Road, Monongahela, PA 15063-1095
 14313840 ++NATIONWIDE INSURANCE, SERVICE OF PROCESS TEAM, THREE NATIONWIDE PLAZA, MAIL CODE 3-11-310, COLUMBUS OH 43215-2410
 (address filed with court: Nationwide Insurance, 1 Nationwide Plaza, Columbus, OH 43215)
 14300540 +Penn Credit, 916 S 14th St, Harrisburg, PA 17104-3425
 14313843 +Progressive Insurance, 6300 Wilson Mills Rd, Mayfield Village, OH 44143-2182
 14300541 +Security Credit Servic, 2653 W Oxford Loop, Oxford, MS 38655-5442
 14300542 +Trident Asst, 53 Perimeter Ctr E Ste 4, Atlanta, GA 30346-2294
 14313846 +Uniontown Hospital, Financial Care Service, 500 West Berkley Street, Uniontown, PA 15401-5514
 14300543 +Usx Credit Union, 600 Grant St, Pittsburgh, PA 15219-2702
 14300544 +Verizon Wireless, Po Box 49, Lakeland, FL 33802-0049

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr E-mail/PDF: rmscedi@recoverycorp.com May 10 2017 00:39:41

Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120, Miami, FL 33131-1605
 14315430 E-mail/Text: ally@ebn.phinsolutions.com May 10 2017 00:43:50 Ally Financial, PO Box 130424, Roseville MN 55113-0004
 14300532 +E-mail/Text: ally@ebn.phinsolutions.com May 10 2017 00:43:50 Ally Financial, 200 Renaissance Ctr, Detroit, MI 48243-1300
 14343411 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 10 2017 00:48:31
 American InfoSource LP as agent for, Verizon, PO Box 248838, Oklahoma City, OK 73124-8838
 14328351 +E-mail/Text: bnc@atlasacq.com May 10 2017 00:43:52 Atlas Acquisitions LLC, 294 Union St., Hackensack, NJ 07601-4303
 14300533 +E-mail/Text: rbaldwin@autotrakk.com May 10 2017 00:44:40 Autotrakk Llc, 1500 Sycamore Rd Ste 200, Montoursville, PA 17754-9416
 14300536 +E-mail/Text: bankruptcy_notifications@ccsusa.com May 10 2017 00:44:34 Credit Coll, Po Box 607, Norwood, MA 02062-0607
 14313836 +E-mail/PDF: creditonebknofications@resurgent.com May 10 2017 00:39:32 Credit One Bank, Po Box 98875, Las Vegas, NV 89193-8875
 14310615 E-mail/PDF: resurgentbknofications@resurgent.com May 10 2017 00:39:42
 LVNV Funding, LLC its successors and assigns as, assignee of FNBK, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14300538 +E-mail/PDF: resurgentbknofications@resurgent.com May 10 2017 00:39:34 Lvnv Funding Llc, Po Box 10497, Greenville, SC 29603-0497
 14300539 +E-mail/Text: bankruptcy@loanpacific.com May 10 2017 00:44:35 Pacific Union Financia, 1603 Lbj Fwy Ste 500, Farmers Branch, TX 75234-6071
 14313841 +E-mail/Text: bankruptcy@loanpacific.com May 10 2017 00:44:35 Pacific Union Financial, 1603 Lbj Fwy Ste 500, Farmers Branch, TX 75234-6071
 14368439 +E-mail/Text: bankruptcy@loanpacific.com May 10 2017 00:44:35 Pacific Union Financial, LLC, 1603 LBJ Freeway, Ste 500, Farmers Branch, TX 75234-6071
 14323136 E-mail/Text: bnc-quantum@quantum3group.com May 10 2017 00:44:00
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 14301278 E-mail/PDF: rmscedi@recoverycorp.com May 10 2017 00:39:33
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120, Miami, FL 33131-1605
 14300545 E-mail/Text: bankruptcy@firstenergycorp.com May 10 2017 00:44:16 West Penn Power, P.O. Box 3687, Akron, OH 44309-3687
 14300546 +E-mail/Text: bankruptcy@firstenergycorp.com May 10 2017 00:44:16 West Penn Power, 1310 Fairmont Avenue, Fairmont, WV 26554-3526
 14345172 +E-mail/Text: bankruptcy@firstenergycorp.com May 10 2017 00:44:16 West Penn Power, 5001 NASA Blvd, Fairmont WV 26554-8248

TOTAL: 18

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Pacific Union Financial, LLC
 cr* +Atlas Acquisitions LLC, 294 Union St., Hackensack, NJ 07601-4303
 14313828* +Ally Financial, 200 Renaissance Ctr, Detroit, MI 48243-1300
 14373657* +Atlas Acquisitions LLC, 294 Union St., Hackensack, NJ 07601-4303
 14313830* +Autotrakk Llc, 1500 Sycamore Rd Ste 200, Montoursville, PA 17754-9416
 14313833* +Colonial Acceptance Co, 312 Fallowfield Ave, Charleroi, PA 15022-1405
 14313834* +Comenity Bank/bon Ton, 3100 Easton Square Pl, Columbus, OH 43219-6232
 14313835* +Credit Coll, Po Box 607, Norwood, MA 02062-0607

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 35

Date Rcvd: May 09, 2017

***** BYPASSED RECIPIENTS (continued) *****

14313837* +Credit Protection Asso, 13355 Noel Rd Ste 2100, Dallas, TX 75240-6837
14313838* +Lvnv Funding Llc, Po Box 10497, Greenville, SC 29603-0497
14313842* +Penn Credit, 916 S 14th St, Harrisburg, PA 17104-3425
14313844* +Security Credit Servic, 2653 W Oxford Loop, Oxford, MS 38655-5442
14313845* +Trident Asst, 53 Perimeter Ctr E Ste 4, Atlanta, GA 30346-2294
14313847* +Verizon Wireless, Po Box 49, Lakeland, FL 33802-0049
14313848* West Penn Power, P.O. Box 3687, Akron, OH 44309-3687
14313849* +West Penn Power, 1310 Fairmont Avenue, Fairmont, WV 26554-3526

TOTALS: 1, * 15, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 11, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 9, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Pacific Union Financial, LLC bkgroup@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor Pacific Union Financial, LLC bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Paul W. McElrath, Jr. on behalf of Debtor David D. Ednie ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com
Paul W. McElrath, Jr. on behalf of Joint Debtor Loretta L. Ednie ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6